

ATTACHMENT A Remarks

Claims 1-20 are pending in the present application. By this Amendment, Applicant has amended claims 1, 7, 10 and 15 and added new claims 21-23. It is respectfully submitted that the present application is in condition for allowance based on the discussion which follows.

Claims 1-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,872,841 (King et al, hereinafter "King").

Claim 1 has been amended so as to eliminate an ambiguity therein or to more clearly distinguish the present invention from King. Claim 1, as amended, is directed to an apparatus which includes means disposed within a first device for enabling a user to receive an incoming telephone call and means within the first device for enabling a recipient of the incoming call to automatically schedule a call-back based on identifying caller information identified by identifying means also disposed within the first device.

It is respectfully submitted that King fails to teach or suggest the claimed apparatus in that, inter alia, King fails to teach or suggest a single device for receiving an incoming telephone call, including means disposed within the single device for scheduling a call-back, as discussed. King is directed to a calendar system associated with a commercial office telephone system where the telephone is a discrete device completely separate from the office telephone system. Included in the King telephone system is a telephone (11 or 12) and a telephone system such as a PBX or other telephone exchange which interacts with a voice mail system (14), a standalone calendar system (15) and e-mail system (16). King fails to teach or suggest that the telephone includes means, within the telephone itself, for permitting a recipient to

automatically schedule a call-back. On the contrary, the only device which permits scheduling of a call-back is the calendar system (15) which is not part of the telephone. Thus, King fails to teach or suggest a first device for enabling a user to receive an incoming telephone call which includes, within that same device, means for identifying caller information and means for automatically scheduling a call-back, all as claimed in claim 1.

It is further respectfully submitted that dependent claims 2-8, which depend from claim 1, are also not anticipated by King. These claims recite additional elements not taught or suggested by King. For example, specifically with regard to claim 7, King fails to teach or suggest a cellular telephone or home telephone which includes the claimed "scheduling means." Of course, these claims also are allowable for the reasons set forth above in support of the allowability of claim 1.

New claims 21-23 have been added which depend directly or indirectly from claim 1, and which recite further features of the apparatus. These features are disclosed in the application as filed but were not previously claimed and further distinguishes the present apparatus from King. In particular, claim 21 recites that the first device comprises a portable handheld device and claim 22, which depends from claim 21, recites that the "means for scheduling" enables a user of the handheld device receiving an incoming call to, at the option of the user, automatically schedule a call-back. With regard to claim 21, it is respectfully submitted that King fails to teach or suggest a portable handheld device, let alone a portable handheld device comprising the claimed receiving means, identifying means and scheduling means. With regard claim 22, King teaches a system wherein the initiator of a call schedules a call-back, not the user

receiving the incoming call, i.e., the recipient of the call (see, e.g., King, column 2, line 60 to column 4, line 22). Thus, claims 21 and 22 further patentability distinguish over not anticipated by King. Claim 23 is similar to claim 22 but depends directly from claim 1.

Turning to the other independent claims, it is further respectfully submitted that claim 10 as amended is not anticipated by King because King fails to teach or suggest a method for enabling a recipient of a incoming telephone call to schedule a call-back wherein the device for receiving the incoming call is itself used to enable the recipient of the call to automatically schedule a call-back. As discussed above with regard to claim 22, King fails to teach or suggest a method wherein a recipient of an incoming call is enabled to automatically schedule a call-back, as discussed. Thus, it is respectfully submitted that claim 10, and claims 11-14 dependent thereon, are not anticipated by King.

With regard to claim 15, it is respectfully submitted that claim 15, as amended, is not anticipated by King for basically the same reasons discussed above with regard to claims 10 and 22.

Based on the foregoing, it is respectfully requested that the rejection of claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by King can properly be withdrawn.

Regarding, the references that have been cited but not applied, it is further respectfully submitted that Atkinson et al, U.S. Patent No. 6,658,106, does not teach or suggest the claimed apparatus and method for receiving an incoming call and scheduling a call-back. Atkinson is directed to a call center phone system wherein an

operator (originator) is able to schedule a call-back if the number dialed is busy or the party is unavailable. Further, the claims presented also patentably define over the cited Scheuring application

In view of the foregoing, Applicant respectfully submits that the present application is now condition for allowance.

END REMARKS

ATTACHMENT B
Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

- A)
1. (Currently Amended) An apparatus, comprising:
means, disposed within a first device, for ~~receiving~~ enabling a user to receive an incoming telephone call [with a first device];
means, disposed within the first device, for identifying caller information associated with the incoming telephone call; and
means, disposed within the first device, for scheduling a call-back based on the identifying caller information identified by said identifying means.
 2. (Original) An apparatus as claimed in claim 1, said receiving means including a telephony circuit structure.
 3. (Original) An apparatus as claimed in claim 1, said identifying means including a caller ID circuit structure.
 4. (Original) An apparatus as claimed in claim 1, said scheduling means including an electronic calendar.
 5. (Original) An apparatus as claimed in claim 1, said scheduling means including a scheduler module.

6. (Original) An apparatus as claimed in claim 1, further comprising means for managing calls, said means for managing calls being disposed within the first device and being coupled with said receiving means, said identifying means, and said scheduling means.

7. (Original) An apparatus as claimed in claim 1, the first device being selected from the group comprising a cellular telephone, a home telephone, a work telephone, and a telephony enabled computer system.

AI 8. (Original) An apparatus as claimed in claim 1, further comprising means for storing the identified caller information associated with the incoming telephone call.

9. (Original) An apparatus as claimed in claim 8, said storing means including a contacts database.

10. (Currently Amended) A method for enabling a recipient of an incoming telephone call to schedule a call-back, comprising:

receiving an incoming telephone call using a first device;

obtaining caller information associated with the incoming telephone call using the first device; and

enabling a recipient of the incoming call to automatically schedule ~~scheduling a~~ call-back for the incoming telephone call ~~using~~, using the first device, based on the obtained caller information.

11. (Original) A method as claimed in claim 10, further comprising the step of determining whether obtained caller information associated with the incoming telephone call is stored in a database, and if not, then saving the obtained caller information in the database.

12. (Original) A method as claimed in claim 10, further comprising the step of, at a time scheduled in said scheduling step, initiating a call-back based using the obtained caller information.

Al 13. (Original) A method as claimed in claim 10, said scheduling step further comprising the step of optionally entering text associated with the scheduled call-back.

14. (Original) A method as claimed in claim 10, further comprising the step of, at a scheduled call-back time, prompting the user to select an option to be executed, the option being at least one of the following from the group comprising proceeding with a scheduled call-back, canceling a scheduled call-back, delaying a scheduled call-back, and rescheduling a scheduled call-back.

15. (Currently Amended) An apparatus, comprising:
means for receiving an incoming communication;
means for identifying information associated with the incoming communication;
and

means for ~~scheduling~~ enabling a recipient of an incoming communication to automatically schedule a response to the incoming communication based on information identified by said identifying means.

16. (Original) An apparatus as claimed in claim 15, the incoming communication received by said receiving means being selected from the group comprising telephony, e-mail, network protocol, file transfer protocol, Internet protocol, wireless network protocol, RF network protocol.

A1 17. (Original) An apparatus as claimed in claim 15, said receiving means being selected from the group comprising cellular telephone, home telephone, work telephone, computer system, network adapter, and server.

18. (Original) An apparatus as claimed in claim 15, said identifying means including a structure selected from the group comprising caller ID, network adapter, firewall software, firewall hardware, network hardware, and network software.

19. (Original) An apparatus as claimed in claim 18, said scheduling means including an electronic calendar.

20. (Original) An apparatus as claimed in claim 18, said scheduling means initiating a response communication at a scheduled time.

21. (New) The apparatus of claim 1, wherein the first device comprises a portable handheld device.

22. (New) The apparatus of claim 21, wherein the means for scheduling enables a user of the portable device, after receiving the incoming call, to, at the option of the user, automatically schedule a call-back.

23. (New) The apparatus of claim 1, wherein the means for scheduling enables a user of the first device, after receiving the incoming call, to, at the option of the user, automatically schedule a call-back.
